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HB 34 HD 2 RELATING TO WATER

Statement for
Senate Committee on
Energy and Natural Resources
Public Hearing - March 10, 1989

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HB 34 HD 2 recognizes the value and need to protect Hawaii's water resources and in particular the need for protection of the watersheds that ultimately support these water resources. Therefore, HB 34 HD 2 proposes to establish a special fund, under the direction of the commission on water resource management, to pay for various watershed management activities and to support incentives to land owners to protect private forest lands in watersheds.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

In previous statements on the earlier versions of HB 34 we indicated our support for the intent of bill but had pointed out a number of inconsistencies in the language. Most of these inconsistencies have now been addressed in HB 34 HD 2. However, we believe two additional amendments are needed to avoid statutory redundancy.

1. Paragraphs 2 and 3 on page 2 refer to certain specified powers and duties of the water commission with regard to the designation of special "hydrographic areas" and directs the commission to identify and inventory important watershed lands and develop a management plan for these "hydrographic areas". It is our understanding that the term "hydrographic area" is most closely equated to the term "hydrologic unit". We note that HRS 174C-31 already directs the water commission to prepare the Hawaii Water Plan. This plan includes among other things, a study and inventory of the existing water resources, the hydrologic units

and their characteristics throughout the state. Therefore, we believe that lines 21-24 on page 2 and line 1 on page 3 are redundant to existing statutory language.

2. Paragraph (6) on page 3 directs the water commission to lease or purchase conservation easements for watershed management purposes, or to acquire real property interests. Under the existing language of HRS 174C-14 the water commission has the power to acquire real property including acquisition by purchase or lease and including the right to acquire land for access. Therefore, we see no need for paragraph (6) on page 3.

With these amendments, which are actually not substantive since the directives are already in HRS 174C, we strongly concur with HB 34 HD 2.